

**United States Department of the Interior
Bureau of Land Management**

**DECISION RECORD
DOI-BLM-UT-W020-2017-0019-EA**

**Telescope Array Times Four Project
January 2019**

Location: Milliard and Juab Counties – Salt Lake Meridian, Utah. R. 6W-11W and T. 12S-23S,
various sections.

Applicant/Address: The University of Utah, Department of Physics
North Physics Building, Room 201
115 South 1400 East
Salt Lake City, Utah 84112

Bureau of Land Management

**West Desert District
Fillmore Field Office
95 East 500 North
Fillmore, Utah 84631
Phone: (435) 743-3100
Fax: (435) 743-3135**

Fillmore Field Office



DECISION RECORD
ENVIRONMENTAL ASSESSMENT
DOI-BLM-UT-W020-2017-0019-EA
Telescope Array Times Four Project (TAx4)

Decision

Based on my review of the analysis found in the Telescope Array Times Four (TAx4) Environmental Assessment (EA) DOI-BLM-UT-W020-2017-0019-EA and the 2006 Telescope Array Cosmic Ray (TA) Project (DOI-BLM-UT-EA-UT-010-05-034 signed May 2006); hereafter referred to as the TA EA; (BLM 2006) to which it tiers, and consideration of staff recommendations, public comments, and cooperator input, it is my decision to implement the actions as described in the Proposed Action of the TAx4 EA. The actions approved under this decision are in conformance with the House Range Resource Area RMP (1987) and the Warm Springs Resource Area RMP (1987), and are described in detail in Chapter 2, Section 2.1 of the TAx4 EA (DOI-BLM-UT-W020-2017-0019-EA). Due to the design criteria and stipulations contained in Chapter 2, a Plan Amendment is not required for this proposed action.

Per 43 CFR 2801.10 (b), this decision is effective immediately upon my signature and can be implemented upon the date of my signature below.

It is my decision to select and implement The Proposed Action as described in the EA and shown in section 2.2.1, Project Design Criteria. Implementation will occur by offering ROW grant UTU-80712, containing Exhibit A, Terms and Conditions/Stipulations, to the University. Upon execution of the Grant by the University and the BLM the Grant will become effective.

Compliance and Monitoring

Bureau of Land Management personnel, or their designated representatives, will monitor all actions to determine compliance with the Proposed Action and all required project design criteria as described in the attached EA.

Terms/Conditions/Stipulations

All required project design criteria (protective measures) to minimize or eliminate impacts described in the attached EA (see Section 2.2.1) shall be followed for all projects implemented under this decision.

Plan Conformance and Consistency

The Proposed Action and alternatives have been reviewed and found to be in conformance with two BLM land use plans, the Warm Springs Resource Area Resource Management Plan (WSRMP) and the House Range Resource Area Resource Management Plan (HRRMP), which established the goals and objectives for the management of the affected BLM administered lands.

The proposed action is in conformance with the applicable land use plans because it is provided for in the following land use plan decisions:

Record of Decision for the Warm Springs Resource Area Resource Management Plan and Rangeland Program Summary (BLM 1987), as amended:

The WSRMP (1987), Chapter 2, page 39, Lands, Goals and Objectives states, “The objectives of the Lands program are to, 3) Authorize legitimate uses of public lands. These are accomplished by processing use authorizations (e.g. rights-of-way, leases, permits, and State land selections) in response to demonstrated public needs.” The WSRMP identified specific Crucial Raptor Nest Habitat Areas.

This action meets the goals and objectives of the WSRMP because this action is for the processing use of a rights-of-way grant in response to demonstrated public needs for scientific research about cosmic rays.

Record of Decision for the House Range Resource Area Resource Management Plan and Rangeland Program Summary (BLM 1987), as amended:

The HRRMP (1987), Chapter 2, page 67, Lands, Goals and Objectives states, “The objectives of the lands program are to provide effective public land management and to improve land use, productivity, and utility through: ... (3) providing for the authorization of legitimate uses of public lands by processing use authorizations, such as rights-of-way, leases, permits, and state land selections in response to demonstrated public needs; ...”

This action meets the goals and objectives of the HRRMP because this action will provide effective public land management and to improve land use utility through authorization of a legitimate uses of public lands by processing use authorizations, such as rights-of-way, for scientific research about cosmic rays.

Alternatives Considered

In addition to the proposed action, the BLM considered a no-action alternative. The no-action alternative was considered in detail. Additionally, the no-action alternative provides a baseline for comparison of the potential impacts of the proposed action. The TA EA also considered three alternatives that were not selected as they did not meet program goals.

Further, this EA is tiered to the Telescope Array EA (BLM 2006). In this EA, the BLM considered the proposed action a no-action alternative and two other alternatives. These alternatives included issues identified by the public during scoping for the TA EA (BLM 2006).

However, BLM reviewed these alternatives and determined that they did not meet the purpose and need of the proposal and/or were outside the scope of the document.

Public Involvement

Opportunities for public participation have occurred at several steps in this NEPA process, including a scoping period for the TA EA project. The project proposal was posted to the BLM NEPA Register (ePlanning) on May 22, 2017, and notifications were made to specific interested parties, inviting the public to provide scoping comments on the proposal during a 30-day scoping period. In addition, on November 15 and 16, 2017, public scoping meetings were held in Delta and Nephi, Utah.

The BLM received four scoping comment letters. A summary of these scoping comments is presented in Appendix B of the TA EA.

The BLM coordinated with a number of cooperating Federal, State, and local agencies and partnerships in the development of the alternatives and the proposed action in this EA. These agencies provided value added information for the interdisciplinary team’s consideration.

Rationale for Decision

My decision to authorize implementation of the proposed action alternative will not result in any undue or unnecessary environmental degradation.

This decision fulfills the legal requirements for the multiple-use management of the public lands as provided by FLPMA. Granting of this ROW to the University contributes to the general public interest by making public lands available for internationally important scientific study, with the application of appropriate mitigation for the protection of lands and resources. Terms and conditions in the ROW grant will ensure protection of environmental resources and comply with environmental standards. This decision reflects the careful consideration of balancing the public interests with management and conservation of public lands.

This decision is based on a comprehensive environmental analysis and public involvement. Public notification was accomplished through public information meetings, a public involvement letter, news releases by the University, and the public comment period on the EA. Members of the public contributed to the analysis and consideration of environmental issues arising out of the environmental review process.

This decision to select the Proposed Action and offer a ROW grant to the University for the public land component of the TAx4 Project is in conformance with the decisions and goals of the WSRMP and the HRRMP.

Authorities

The authority for this decision is Section 501 of the Federal Land Policy Management Act (FLPMA) of 1976, (43 U.S.C. 1740, 1761) and the regulations in 43 CFR 2800.

Appeal Language

The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on the date signed below. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at the Bureau of Land Management, Fillmore Field Office, 95 East 500 North, Fillmore, Utah, 84631. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for a stay pursuant to 43 CFR Part 4.21 (b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.


If a petition for a stay is submitted with the notice of appeal, a copy of the appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the Interior Board of Land Appeals at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City,

Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or Interior Board of Land Appeals.



Field Manager, BLM Fillmore Field Office



Date

Attachment: Appeal Form 1842-1